



Town of Dumfries
Council Meeting

Meeting Date: October 9, 2012

Agenda Item# XI - F

AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- ☐ CONSENT AGENDA
☐ PRESENTATION
☒ ACTION ITEM
☐ TOWN MANAGER & STAFF COMMENTS
☐ PUBLIC HEARING
☐ Duly Advertised

PURPOSE OF ITEM:

- ☐ INFORMATION ONLY
☐ DISCUSSION ONLY
☒ DISCUSSION AND/OR DECISION
☐ Introduction ☐ Resolution
☐ Ordinance ☐ Grant/MOU
☐ By Motion ☐ Bylaws
☐ Certificate

PRESENTER: Gerald M. Foreman, II

PRESENTER TITLE: Mayor Attorney

AGENDA ITEM:

Town of Dumfries 2013 legislative agenda

BACKGROUND / SUMMARY:

The Town should vote on a legislative agenda for the 2013 legislative session

ATTACHMENTS:

Email(s) of 10/1/12 to Council, Town Manager *et. al* concerning Town of Dumfries Legislative Package for 2013 session

REQUESTED ACTION:

Discussion and vote by Council for consensus on forwarding the Town's legislative package for the 2013 session

FOR MORE INFORMATION, CONTACT:

Name: Mayor Gerald M. Foreman, II

Phone#:

E-mail:

FOR USE DURING MEETING

VOTE:

☐ PASSED

☐ NOT PASSED

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Brewer
<input type="checkbox"/>	<input type="checkbox"/>	Praino
<input type="checkbox"/>	<input type="checkbox"/>	Washington

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Foreman
<input type="checkbox"/>	<input type="checkbox"/>	Reynolds

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Toney

From: Cliff Brewer [<mailto:cbrewer@cavalierfire.com>]

Sent: Tuesday, October 02, 2012 10:06 AM

To: 'Christine Sanders'

Subject: RE: Legislative Package

Christine,

I would like to add to the legislative package.

1. Since we claim to have non-partisan elections the following:

"In the Town of Dumfries, no activities from all political parties shall be conducted from the collection of signatures, submission of signatures, campaigning on behalf of a candidate, including the ballot and thru the election process.

2. Give DEQ more enforcement powers in regards to no negotiating when a violation is found, in addition, the ability to set forth a monetary fine for the violation. The fines set forth will be shared with the governmental entity within.

From: Christine Sanders [<mailto:csanders@dumfriesva.gov>]

Sent: Tuesday, October 02, 2012 9:41 AM

To: 'Jerry Foreman'; 'Daniel Taber'; Dawn Hobgood

Cc: 'Council Lady Forrester'; 'Council Lady Reyonlds'; 'Councilman Brewer'; 'councilman Praino'; 'Gwen Washington'; 'Vice Mayor Toney'; dhobgood@dumfriesva.gov

Subject: RE: Legislative Package

Importance: High

Mayor,

(On behalf of Dan,) would you care to put this before Council for a vote at its next meeting (October 9th)?

After discussion and consensus, a resolution can be drafted and voted on for the upcoming legislative session.

Best,

Christine

Christine R. Sanders

Town of Dumfries

Town Attorney

703-221-3400 ext: 112

csanders@dumfriesva.gov

www.dumfriesva.gov

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From: Jerry Foreman [<mailto:gmforeman@comcast.net>]

Sent: Monday, October 01, 2012 7:11 PM

To: 'Daniel Taber'

Cc: 'Council Lady Forrester'; 'Council Lady Reyonlds'; 'Councilman Brewer'; 'councilman Praino'; 'Gwen Washington'; 'Vice Mayor Toney'; 'Christine Sanders'; dhobgood@dumfriesva.gov

Subject: RE: Legislative Package

Dan,

During the 2013 Legislative session the Governor and General Assembly should:

- **Waterway Restoration** Examine state conservation of waterways (silt removal, invasive fish eradication, and invasive plant removal) to protect natural resources and restoration of erosion programs to be modified to alleviate some of the financial burden on state and local taxpayers.
- **Transportation Corridor Maintenance** Examine state roadway maintenance and expansion of major roadways adjacent to interstate highways to determine those that can be modified to alleviate some of the financial burden on state and local taxpayers.

- **Economic Development** Community and economic development are essential to the continued vitality of the Commonwealth of Virginia. The state should partner with localities to develop and carry out the state economic development strategic plan.
- **Historic Site Preservation** Examine state conservation of historic sites and buildings to protect local, state and national resources.

I understand that I deviated from VML provided material, however I do not feel that VML necessarily represents small Town concerns.

S/F
Jerry

Gerald "Jerry" Foreman
Mayor
Town of Dumfries

<http://gmforeman.com/>
<http://gmforeman.org/>

"Good hard honest work gets results - we must never lose focus that the people and businesses of the Town of Dumfries should be the center of our planning and success. The more we invest in the improvement of our relations and services, the more we'll achieve as a governmental body and this will give our terms as elected officials a more satisfying conclusion." (Gerald "Jerry" Foreman)

From: Daniel Taber [<mailto:dtaber@dumfriesva.gov>]
Sent: Sunday, September 23, 2012 10:17 AM
To: 'Council Lady Forrester'; Council Lady Reyonlds; Councilman Brewer; councilman Praino; 'Gwen Washington'; Mayor Foreman; Vice Mayor Toney
Subject: Legislative Package

Mayor and Council members: Please provide me with any issues that you may want to place on our legislative agenda for discussion with other elected officials.

Dan

Daniel E. Taber
Town Manager
Town of Dumfries
17755 Main Street
Dumfries, VA 22026
dtaber@dumfriesva.gov
703-221-3400 ext: 113



Legislative positions for 2013 legislative program

The following is the list of legislative positions recommended to constitute the legislative program for the Virginia Municipal League for the 2013 session of the General Assembly. The positions have been ranked, to show the 5 priority issues for VML for 2013.

Any changes agreed to at the legislative committee meeting held September 6 are shown in underlines or strikethroughs.

Priority legislative positions

State Budget and Local Revenues

The member local governments of the Virginia Municipal League hold the following principles on state budget issues.

The Governor and General Assembly should not:

1. Further restrict local revenue authority or sources without providing alternative revenue authority and sustainable revenue sources. This includes, without limitation, the BPOL and M&T taxes.
2. Confiscate or re-direct local general funds and special funds to the state treasury.
3. Impose new funding requirements or expand existing ones on services delivered by local governments.
4. Shift state funding responsibilities onto local governments, including law enforcement and public safety activities.
5. Impose state fees, taxes or surcharges on local government services.
6. Place additional administrative burdens on local governments.

The Governor and General Assembly should:

1. Immediately examine state requirements and service expansions to determine those that can be suspended or modified to alleviate some of the financial burden on state and local taxpayers.

Here are two specific examples of what the state needs to do:

- Critique the Standards of Accreditation and Standards of Learning to determine which standards impose costs on local governments that are not recognized in state funding formulas. In particular, changes adopted since 2009 to SOAs and SOLs should be examined as state funding on a per-pupil basis is now below 2009 levels.

Attachment 1

- Re-examine those Standards of Quality that the Board of Education has adopted, but that the General Assembly has not funded. These standards reflect prevailing practices necessary to improve children's academic performance. Their academic performance is crucial to students and schools meeting the accountability standards under the SOL and SOA. If funding is not available to pay for prevailing practices, the accountability standards should be adjusted so that local governments are not in the position of having to bear the entire burden of meeting these unfunded mandates.
- 2. Develop spending and revenue priorities. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs.
- 3. After all other actions have been taken including eliminating unnecessary programs, achieving greater program efficiencies, and streamlining service delivery, the state has the obligation to look at ways to increase revenues in order to meet its constitutional and statutory obligations to Virginia citizens.

Local Aid to the Commonwealth

VML supports a budget amendment in the 2013 legislative session to restore the \$50 million reduction included in the FY13 budget, and supports eliminating this across-the-board reduction in FY14 and in any future budgets.

Education Funding

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities. As an example, VML opposes the elimination or decrease of state funding for state-mandated benefits for school employees.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning. The State Board of Education should identify areas within the Standards of Quality and other educational requirements, such as mandates for expenditures in the area of student health services, that can be modified or eliminated in order to provide localities with greater flexibility in their use of scarce education funds.

VML supports a study by the Joint Legislative Audit and Review Commission to determine ~~conduct a study of~~ how the SOQ may be revised and adequately funded to meet the requirements contained in the Standards of Learning and Standards of Accreditation. VML also supports implementation of JLARC recommendations to promote 3rd grade reading performance.

Transportation Funding

VML supports a new, stable and predictable transportation funding plan that is comprehensive and addresses investment across the state. Critical to this plan is a dedicated and ongoing source of non-general fund revenue to support \$65 billion dollars in transportation needs as identified in VTrans2035, Virginia's statewide long-range multimodal transportation plan.

The state should not place new tolls on existing roads as a method to fund ongoing transportation obligations. Further, no decision should be made to place tolls on an existing road without first evaluating the impact on other roads in the region and on the quality of the environment.

Water Quality Funding

Virginia's local governments face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). In response to federal and state legislation, regulation and policies, VML urges the federal government and the Commonwealth to provide adequate funding for these water quality improvements.

Other legislative positions

Transient Occupancy Tax and On-line Travel Companies

VML supports state legislation to make clear that transient occupancy taxes and sales taxes are applied on the room cost paid by the consumer.

In addition, VML should urge the Virginia congressional delegation to oppose any legislation or amendment to preempt state and local taxes from these Internet transactions.

Sales and Use Taxes on Internet-based Sales

VML supports the continuation of legislation such as SB 597 (2012) to require remote sellers that use in-state facilities to collect and remit Virginia sales tax.

~~VML supported action last year to enact SB 597, requiring certain remote sellers that use in-state facilities to collect and remit VA sales taxes. However, the effective date of the legislation is uncertain pending action on several federal bills.~~

~~VML should urge the Virginia congressional delegation to support legislation to address the Supreme Court's concerns in the Quill decision, thereby allowing the Commonwealth (and local governments) to collect sales taxes owed. This action can be done separate from the 2013 VML Legislative Program.~~

~~The National League of Cities has adopted as policy the idea that federal legislation must be enacted permitting states and localities to require remote sellers, whether the sales are made electronically, by mail order or other means, to collect state and local sales and use taxes on orders made within their boundaries. VML can tailor its message along these~~

~~lines.~~ (The federal issues identified in this position were sent to the executive committee for action.)

Impact Fees & cash proffers

The General Assembly should enact laws to broaden impact fee authority to allow the adequate assessment of the fees for all public infrastructure, including school construction costs, caused by growth. The General Assembly should take all steps needed to assist towns and cities to work with the surrounding counties to promote growth in patterns that help the vitality of the municipalities by authorizing impact fees for public infrastructure. Any change must not shift the burden of paying for new infrastructure to existing citizens through increased real estate taxes.

Uranium Mining

Uranium mining, milling and waste disposal of generated wastes poses health and environmental problems for Virginians. If these uranium mining activities are permitted in Virginia, VML is concerned that radiation and other pollutants from mill tailings may occur, downstream water supplies may be contaminated, water supplies near uranium mines may disappear or be severely reduced, and the health and safety of uranium miners might be jeopardized.

VML supports the ~~current~~ moratorium on the mining and milling of uranium in the Commonwealth of Virginia ~~until evidence demonstrates that it is safe for the environment and health of citizens~~. Any studies or efforts to develop a regulatory framework should address the concerns, warnings, and conclusions contained in the National Academies of Sciences report to the Commonwealth entitled “Uranium Mining in Virginia” and dated December 2011. Furthermore, the state should take no action to preempt, eliminate, or preclude local government jurisdiction with respect to whether uranium mining would be allowed in the respective jurisdiction.

Town-County relations

The Code of Virginia should be amended to clarify the relationship of the exercise of powers by a town and the county in which it sits. The law must make it clear that county-wide powers apply in or as to the town only until the town council adopts an ordinance regulating the same topic; that in the appropriate case, local county powers do not apply in or as to towns in the county unless the town so ordains; and that each county is protected from the obligation to exercise county powers solely in or as to towns in the county.

Health care reform impact on local governments

Many questions remain as to how Virginia will choose to implement the federal Affordable Care Act. Depending on the state’s actions and decisions, local governments could face new administrative responsibilities and costs. Any new or enhanced roles and responsibilities for local government must be accompanied by sufficient federal and/or state financial resources.

Social services funding and penalties

For years the state has consistently underfunded its share of administrative costs (including personnel and technology) for programs administered on its behalf by local departments of social services. The state agency has now decided to make local agencies and local real estate taxpayers solely liable for federal financial penalties resulting from federal audits of the system. Federal law does not require passing this cost onto localities; it is the state's choice to do so. If the state wants to improve performance and accountability, it must fully acknowledge and fulfill its responsibility in this partnership by properly funding, equipping, and supporting the local offices that render services on its behalf. The state should hold off on any assessment of penalties until it has done so.